IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 10TH NOVEMBER 2006 / 19TH KARTHIKA 1928

Bail Appl..No. 6659 of 2006()

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CRIME NO.227/2005 OF MARARIKKULAM POLICE STATION.

PETITIONER/ACCUSED NO.6

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SAJITH, S/O.SUDHAKARAN,
NOCHIKKATTU VEEDU, PALLIPPURAM PANCHAYATH,
CHERAI.

BY ADV. SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN

RESPONDENTS:

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STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
(CRIME NO.227/2005 OF MARARIKKULAM POLICE STATION)

BY ADDL. DIRECTOR GENERAL OF PROSECUTION SRI.V.K.MOHANAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**J.M. JAMES, J.**

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Bail Application No.6659 of 2006

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Dated this the 10th November, 2006.

**O R D E R**

Petitioner is the 6th accused in Crime No.227/2005 of Mararikkulam Police Station, for the offence punishable under Sections 120B, 109, 115, 302, 307 and 212 IPC, read with Section 34 IPC. Petitioner was absconding. Now, he is before this Court under Section 438 Cr.P.C. for a pre-arrest order. It is submitted that all the accused had been arrested, and on production before the court, few had been released on bail. Others are still in judicial custody and facing the trial.

2. It is submitted that the case is now pending as S.C.No.1/2006 of Sessions Court, Alappuzha. The accused have been served with the charge, under Section 228 Cr.P.C.

3. Counsel for the petitioner submits that the petitioner is prepared to surrender before the court below. Counsel further submits that because of the peculiar facts of this case, and the allegation against him, his interest may be protected from the police actions on him. The Additional Director of Prosecution, however, submits that the petitioner is required to be interrogated in this case, as the final report has been filed without

interrogating him, and only after the interrogation of the petitioner, it could be decided by the Investigating Officer, whether any additional report need to be filed before the court below.

4. After hearing all concerned, I dispose of the application, directing the petitioner, Sajith, S/o.Sudhakaran, 6th accused in Crime No.227/2005 of Mararikkulam Police Station, to surrender before the Investigating Officer, Sri.P.A.Johnson, Deputy Police Superintendent, Crime Detachment, Alappuzha, between 9.30 and 10 a.m., on 17.11.2006.

5. The Investigating Officer shall interrogate the petitioner, and thereafter, produce him before the competent Magistrate Court, according to the law, on the same day itself.

6. The learned Magistrate shall hear the prosecution, the counsel for the petitioner, and pass appropriate orders, on merit, including the petition for custodial interrogation of the accused, if any, filed by the prosecution.

**J.M. JAMES,**
**JUDGE**

**nj.**